

R592. Insurance, Title and Escrow Commission.

R592-2. Title Insurance Administrative Hearings and Penalty Imposition.

R592-2-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-404(2)(e) and (h), which direct the Title and Escrow Commission to make rules pertaining to the conduct of title administrative hearings, the delegation of title administrative hearings, and the imposition of penalties for violations of statute or rule.

R592-2-2. Purpose and Scope.

- (1) The purpose of this rule is
 - (a) to establish procedures for the Commission:
 - (i) to delegate authority to the department's administrative law judge to conduct an administrative hearing ~~[for a title license applicant, a title licensee, or a title continuing education program]~~; or
 - (ii) to conduct an administrative hearing ~~[for a title license applicant, a title licensee, or a title continuing education program]~~; and
 - (b) to establish procedures for the Commission, after an investigation by the commissioner, to impose penalties and for the commissioner to concur with the penalties ~~[imposed on a title licensee, applicant for a title license, unlicensed person doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval, for violations of statute, rule, Order of the Commissioner, or Order of the Commission]~~.
- (2) This rule applies to all title licensees, applicants for a title insurance license, unlicensed persons doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval.

R592-2-3. Definitions.

"Title licensee" has the same meaning as found in Section 31A-2-402(3).

R592-2-4. Administrative Hearings.

~~[The Title and Escrow Commission may delegate the conduct of administrative hearings involving a title license applicant, a title licensee, or a title continuing education program to the department's administrative law judge.]~~

- (1) ~~[The Commission will receive a periodic report listing each administrative hearing requested by a title license applicant, a title licensee, a title continuing education program or by the commissioner to resolve an investigation of a title licensee's conduct, the denial of a title license application, or the disapproval of a title continuing education program]~~ When an investigation involving title insurance or escrow is concluded and the commissioner or the respondent request an administrative hearing, the commissioner will report to the Commission the commissioner's conclusion and recommended disposition of the matter under investigation.
- (2) The Commission will review the report at each meeting

and, either:

(a) delegate the conduct of the requested administrative hearing to the department's administrative law judge; or

(b) determine that the Commission will conduct the requested administrative hearing.

(3) For an administrative hearing conducted by the Commission, the Commission will:

(a) set the date, time, and place of the administrative hearing;

(b) notify the title license applicant, the title licensee, or the continuing education program of the date, time, and place of the administrative hearing;

(c) conduct the hearing:

(i) hear the evidence; and

(ii) make a decision based on the evidence presented;

(d) impose penalties, with the concurrence of the commissioner, in accordance with Sections 31A-2-308, 31A-23a-111, 31A-23a-112, 31A-26-213, and 31A-26-214; and

(e) issue an Order on Hearing.

(4) The department's administrative law judge will assist the Commission in its conduct of an administrative hearing as required ~~[by ruling on admissibility of evidence and motions pertaining to the hearing]~~.

R592-2-5. Imposition of Penalties.

~~(1) [The department will investigate alleged violations of statute or rule by a title licensee, applicants for a title insurance license, unlicensed person doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval.~~

~~——(2)]If the resolution of the investigation is other than an administrative hearing or is an administrative hearing conducted by the department's administrative law judge, and the administrative proceeding imposes a penalty, the Commission must concur with the penalty imposed, prior to the imposition of the penalty.~~

(2[3]) If the resolution of the investigation is an administrative hearing conducted by the Commission, and the administrative hearing imposes a penalty, the commissioner must concur with the penalty imposed, prior to the imposition of the penalty.

R592-2-6. Severability.

If any section, term, or provision of this rule shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term, or provision of this rule and the remaining sections, terms, and provisions shall be and remain in full force.

R592-2-7. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: September 30,
Authorizing, and Implemented or Interpreted Law: 31A-2-402